



Application No. 09/866,652  
Filed May 30<sup>th</sup> 2001

Applicant: Tommaso Innocenti  
Customer No. 53373

### PETITION UNDER 37 CFR SECTION 1.137(a)

1. Applicant and petitioner in the above identified application for U.S. Utility Patent respectfully petitions the Commissioner of Patents under 37 CFR 1.137(a) to revive said application from abandonment for unavoidable delay due to error on the part of the Office evident in the Notice of Abandonment in said application, copy enclosed on two sheets, in failing to recognize that a decision by the Board of Appeals containing new grounds of rejection may properly be responded to under 37 CFR 41.50(b) in submission of amendment to the claims reopening prosecution.

2. Petitioner respectfully submits, in accordance with 37 CFR 1.137(a)(1) & (2), respectively, that:

- a. the original "reply": i.e. 'Submission of Amendment to the Claims Under 37 CFR 41.50(b) Reopening Prosecution' on 23 sheets; "to the outstanding Office action or Notice"; and
  - b. the fee specified under 37 CFR 1.17(l);
- are both enclosed.

3. Petitioner respectfully submits, in accordance with 37 CFR 1.137(a)(3), that the entire delay in the present filing, as further explained directly below, from the due date for the reply to the Board Decision was unavoidable.

Adjustment Date: 09/14/2007 CK4LOK  
09/14/2007 TNGUYEN2 00000036 09866652  
09/14/2007 -250.00 OP

continued

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DAC. 13

Peter O'Donovan Gibson  
Via del Muschio 12, Int. 2  
58043 Castiglione d. Pescaia (GR) Italy

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia (VA) 22313-1450

April 23<sup>rd</sup> 2007

Re: Application No. 09/866,652  
Appeal: 2007-0366  
Technology Center 3600  
*In Re* Tommaso Innocenti

Dear Sir/Madam,

Following please find the below described materials relating to the above identified application for patent under appeal:

- |  |            |
|--|------------|
| 1. Letter of Transmittal on:   | 1 sheet;   |
| 2. Certificate of Facsimile Transmission on:   | 1 sheet;   |
| 2. 'Submission of Amendment to the Claims Under 37 CFR 41.50(b) Reopening Prosecution' on: | 8 sheets;  |
| 3. 'Amendment Under 37 CFR 41.50(b): Claims - Remarks' on:                                 | 2 sheets;  |
| 4. 'Amendment Under 37 CFR 41.50(b): Claims Listing' on:                                   | 11 sheets; |

Total: 23 sheets.

Please file the above listed materials in the above identified application for patent under appeal and thank you kindly for your service;

Respectfully yours,

*Peter Gibson, Reg. #34,605*

Peter Gibson, Reg. #34,605

TO did not receive the following  
Item(s) received as is

Ph./Fax: 39 0564 93 6500

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND												
1 Date of Request: <u>9/13/2007</u>		2 Serial/Patent # <u>09/866,652</u>										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
	Filing			\$								
	Amendment			\$								
	Extension of Time			\$								
	Notice of Appeal/Appeal			\$								
<input checked="" type="checkbox"/>	Petition		8/20/07	\$ 250								
	Issue			\$								
	Cert of Correction/Terminal Disc.			\$								
	Maintenance			\$								
	Assignment			\$								
	Other			\$								
		7 TOTAL AMOUNT OF REFUND		\$ 250								
		8 TO BE REFUNDED BY:										
		<input checked="" type="checkbox"/> Treasury Check <input type="checkbox"/> Credit Deposit A/C #:										
10 REASON:		9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>										
	Overpayment											
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<input checked="" type="checkbox"/>	No Fee Due (Explanation):											
<i>Ref granted under 1.1B1</i>												
11 REFUND REQUESTED BY:												
TYPED/PRINTED NAME: <u>C. GRANT</u>		TITLE: <u>attorney</u>										
SIGNATURE: <u>C. Grant</u>		PHONE: <u>X-3215</u>										
OFFICE: <u>OP</u>												
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